

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED
NOV 20 1995

In the Matter of)
)
Advanced Television System) MM Docket No. 87-268
and Their Impact Upon the)
Existing Television Broadcast)
Service)

To: The Commission

DOCKET FILE COPY ORIGINAL

COMMENTS OF PULITZER BROADCASTING COMPANY

Pulitzer Broadcasting Company ("Pulitzer"), by its attorneys, hereby submits the following Comments in response to the Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry ("Notice") in the above-captioned proceeding.^{1/} Pulitzer has also joined with a wide cross-section of the nation's television stations and networks in filing joint Broadcasters' Comments in this proceeding.

Introduction

Pulitzer Publishing Company is the parent company of Broadcasting Company, the licensee of the following television stations: KETV, Omaha, Nebraska; KOAT, Albuquerque, New Mexico; KOCT, Carlsbad, New Mexico; KOVT, Silver City, New Mexico; WGAL, Lancaster, Pennsylvania; WLKY, Louisville, Kentucky; WXII, Winston-Salem, North Carolina; and WYFF, Greenville, South

1/ Fourth Further Notice of Proposed Rule Making and Third Notice of Inquiry, MM docket No. 87-268, FCC 93-315, Released August 9, 1995.

245

Carolina. In turn, Pulitzer Broadcasting Company is the parent company of WDSU Television, Inc., licensee of WDSU, New Orleans, Louisiana; KCCI Television, Inc., licensee of KCCI, Des Moines, Iowa; and WESH Television, Inc., licensee of WESH, Daytona Beach, Florida.

Pulitzer has made a commitment to use the Advanced Television ("ATV") channel for the provision of free, universally available, broadcast High Definition Television ("HDTV") service to the American public. As part of its commitment, Pulitzer has provided funding for the Advanced Television Test Center and is currently conducting engineering studies in preparation for the construction of its HDTV facilities at the earliest possible time.

The Need for an Orderly Transition Period

As Chairman Hundt recognizes, "[i]t is now clear that the transition to digital broadcasting is different in kind, not just degree, from the transition from black and white to color."^{2/} Accordingly, Pulitzer urges the Commission to adopt the principle advocated in the Broadcasters' Comments for determining the timetable for the surrender of NTSC licenses -- the date for should be the soonest possible time that does not disenfranchise NTSC viewers. Commissioner Chong, in a Separate Statement to the Notice, underscored the public interest benefit of an orderly

^{2/} Id., Statement of Chairman Reed E. Hundt.

transition to digital which does not disenfranchise NTSC viewers.^{3/}

"I support our goal to foster as expeditious and orderly transition to digital broadcasting. While we naturally wish to make the transition in a speedy manner, I caution us not to disenfranchise those Americans who rely on their analog TV sets for over-the-air broadcast service. I hope that we can provide incentives for the industry (broadcasters, manufacturers, and programmers) to make the switch to digital TV more rapidly, while still safeguarding consumer services."

Pulitzer and other television licensees will be highly motivated to shorten the period during which they will have to pay for the additional costs of operating two transmission facilities. However, as pointed out in the Broadcasters' Comments, much of the pace of transition is not within the control of the broadcasting industry. The transition will depend on a number of "unknowns," including the availability of reasonably-priced transmission and other ATV equipment and ATV sets, and most significantly, consumer acceptance of the new services.

Pulitzer concurs with Commissioner Quello that the transition period should be based on "the realities that will likely face broadcasters in constructing new and expensive facilities, as well as the consumer acceptance of this new technology."^{4/} For, as Commissioner Barrett has recognized, it

3/ Id., Separate Statement of Rachelle Chong.

4/ Id., Separate Statement of Commissioner James H. Quello.

is important not to "lose sight of one of the Commission's overarching goals -- to ensure that free, over-the-air broadcasting remains available to all consumers while ensuring that digital television fully serves the public interest."^{5/} The adoption of benchmarks by the Commission for free television's transition to digital services must be based on market data and not on theories as consumer acceptance of ATV. The requisite market to make an informed decision -- the cost and availability of digital sets, the cost and availability of convertors, and ATV penetration levels -- is simply not available. Accordingly, in view of the uncertainties and the lack of market data, Pulitzer urges the Commission to defer establishing a date certain or benchmarks for the surrender of NTSC licenses.

The Commission previously premised the transition on avoiding a severe disruption to existing service, recognizing that both broadcasters and consumers would have to obtain new equipment to enable them to provide and enjoy, respectively, the benefits of ATV services.^{6/} Assuming, arguendo, that the Commission were to establish benchmarks at this time for the giveback, Pulitzer recommends that any such benchmark be designed to assure that it does not disenfranchise a significant number of NTSC viewers. As recommended in the Broadcasters' Comments, any benchmark should have the following basic features: (1) it


5/ Id., Separate Statement of Commissioner Andrew C. Barrett.

6/ Id., ¶ 20, citing Second Report and Order/Further Notice of Proposed Rule Making in MM Docket No. 87-268, 7 FCC Rcd. 3340, 3353-55 (1992).

should assume both the total number of sets and the total number of displaying ATV services, including HDTV, and (2) it should toll the transition market-by-market to avoid penalizing those viewers concentrated in areas with low penetration video. Moreover, any benchmark should be flexible and be capable of taking into account new information in order to assure that NTSC viewers are not disenfranchised. As Commissioner Ness suggested, the transition procedure should be "couched in market realities, yet sensitive to the needs of the consumer."^{7/}

Respectfully submitted,

PULITZER BROADCASTING COMPANY

By 
Erwin G. Krasnow
Julian L. Shepard

Verner, Liipfert, Bernhard,
McPherson and Hand
901 15th Street, N.W.
Suite 700
Washington, D.C. 20005
(202) 371-6000

Its Attorneys

November 20, 1995

^{7/} Id., Separate Statement of Commissioner Susan Ness.

CERTIFICATE OF SERVICE

I, Anastasia C. Chung, a secretary in the law firm of Verner, Liipfert, Bernhard, McPherson and Hand, Chartered, do hereby certify that the foregoing "COMMENTS OF PULITZER BROADCASTING COMPANY" was mailed first-class, postage prepaid, this 20th, day of November, 1995, to the following:

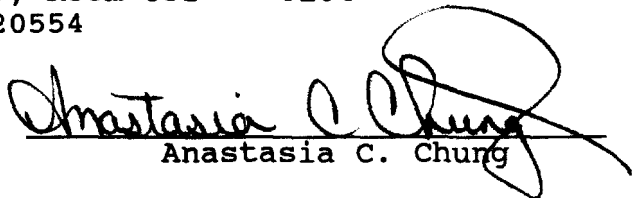
Chairman Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W., Room 814 -- 0101
Washington, D.C. 20554

Commissioner James H. Quello
Federal Communications Commission
1919 M Street, N.W., Room 802 -- 0106
Washington, D.C. 20554

Commissioner Andrew C. Barrett
Federal Communications Commission
1919 M Street, N.W., Room 826 -- 0105
Washington, D.C. 20554

Commissioner Rachelle B. Chong
Federal Communications Commission
1919 M Street, N.W., Room 844 -- 0103
Washington, D.C. 20554

Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W., Room 832 -- 0104
Washington, D.C. 20554


Anastasia C. Chung